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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/358,738	07/21/1999	CRAIG S. CHAMBERLAIN	53321USA9B	1908

7590

10/18/2002

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EXAMINER

LUDLOW, JAN M

ART UNIT

PAPER NUMBER

1743

DATE MAILED: 10/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/358,738

Applicant(s)

CHAMBERLAIN ET AL.

Examiner

Jan M. Ludlow

Art Unit

1743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2002.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33 and 37-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33 and 37-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 July 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☒ Interview Summary (PTO-413) Paper No(s). 10.
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other:

Art Unit: 1743

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 33, 37-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen (5,334,932) in view of Tavis et al (5,293,137).

Art Unit: 1743

6. Nielsen teaches a method of measuring inductance of a coil 62 that is changed by the presence of metal particles in a sample on core 60 within the coil (see, e.g., col. 1, lines 48-52; col. 2, lines 63-68; col. 6, lines 34-42), similar to the instantly disclosed method. A temperature-indicative resistance is provided (col. 4, line 68) and the related signal is supplied to a microprocessor, where the inductance measurement is corrected for temperature using an algorithm (col. 6, lines 49-51) to provide a highly accurate inductance measurement (col. 6, lines 53-55).
7. Nielsen fails to teach how the temperature correction algorithm is derived.
8. Tavis teaches an inductance sensing method in which a calibration table of pressure (which is a function of inductance, see, e.g., column 4, lines 15-26) vs temperature is used to correct for changes in inductance with temperature (col. 4, lines 29-30, 49-53).
9. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use a look-up table in place of the algorithm of Nielsen in order to correct inductance-based measurements for temperature as taught by Tavis. It would have been further obvious to make measurements of inductance at difference temperatures in order to empirically determine the data points as was known in the art. With respect to claims 41-42, 48-49, it would have been obvious to use a coil capable of detecting desired changes in inductance.
10. Claims 33, 37-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tiefnig (5854557).

Art Unit: 1743

11. Tiefnig teaches an inductance measuring method (e.g., col. 3, lines 13, 25, 48) in which a corrosion element is exposed to a corrosive liquid and the loss of mass of the corrosion element (sample) is measured by inductance of a surrounding coil (e.g., col. 6, line 2). A second element is provided with a corrosion resistant coating in a reference channel and the inductance of the reference channel is measured prior to each corrosion measurement to compensate for changes of inductance resulting from temperature changes and the offset subtracted from the corrosion measurements (col. 4, lines 13-19 and col. 15, lines 59-65).

12. Tiefnig fails to explicitly teach measuring at different temperatures or recording the temperature-related performance data prior to use for correcting the corrosion data.

13. It would have been obvious to one of ordinary skill in the art at the time the invention was made to make measurements at different temperatures in order to test under a variety of temperature conditions while compensating for temperature differences as taught by Tiefnig. It would have been further obvious to record the reference values in order to perform subtraction in the microprocessor and/or to keep a complete record of measurements taken for subsequent data analysis and/or troubleshooting as was known in the art. With respect to claims 41-42, 48-49, it would have been obvious to use a coil capable of detecting desired changes in inductance.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 1743

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jan M. Ludlow whose telephone number is (703) 308-4039. The examiner can normally be reached on Monday-Thursday, 11:30 am - 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill A. Warden can be reached on (703) 308-4037. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Application/Control Number: 09/358,738

Page 6

Art Unit: 1743

A handwritten signature in black ink, appearing to read 'Jan M. Ludlow', written in a cursive style.

Jan M. Ludlow
Primary Examiner
Art Unit 1743

jml

October 16, 2002